

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7699 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
SMC

Versus

HARISHBHAI BHIKHABHAI SOLANKI

-----  
Appearance:

MR PUROHIT FOR MR. PRASHANT G DESAI for Petitioner  
MR HK RATHOD for Respondent No. 1

-----  
CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 04/11/98

ORAL JUDGEMENT

Heard Mr. Purohit, learned counsel appearing for the petitioner Municipal Corporation and Mr. H.K. Rathod, learned counsel for the respondent. The claim of the respondent workman is that he was appointed as Beldar on 10.3.1988 as daily wager. However, his services were terminated by order dated 19.6.1991 on the ground that he remained absent and further that a criminal offence under Section 302 of the I.P.C. has been registered against

him. The Industrial Tribunal, Surat, by award dated 27.11.1997 set aside the order of termination having found the same in violation of Section 25F of the I.D. Act.

It is given out that the respondent workman was acquitted of the offence under Section 302 of the I.P.C. and therefore his services could not have been terminated simply because a case was registered against him. If it was a case of wilful absence, no enquiry was conducted. Mr. Purohit, learned counsel for the petitioner says that the Tribunal has committed an error in directing the petitioner Corporation to reinstate him as a permanent Beldar. This contention perhaps has been raised because of the misreading of the operative portion of the order. The Tribunal has only directed to reinstate the respondent workman in service and give him seniority with continuity to the original post with all consequential benefits. In view of this, it cannot be said that any direction has been to make him permanent Beldar. I do not find any justified ground to interfere with the order of the Tribunal. This Special Civil Application is rejected. No order as to costs.

00000

[pkn]